Call to suspend EU-Israel agreement over violations of Palestinian rights

Topic

Military Human rights Law

Country/Region

Israel Palestine EU

20 September 2024

Statewatch is one of 160 organisations that are calling for the suspension of the EU-Israel Association Agreement due to ongoing human rights violations in Occupied Palestinian Territory. The Association Agreement is conditional upon "respect for human rights and democratic principles" by both the EU and Israel, says a statement published today by the organisations. It calls for suspension of the Agreement "until the EU is confident that nothing in its relations with Israel contributes in any way - political, financial, military, technical, trade, anything - to the continuation of the occupation and of the denial of the rights of the Palestinian people."

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*Image: Former European Parliament President Jerzy Buzek in Jerusalem, June 2011. **European Parliament**, **CC BY-NC-ND 2.0***

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*The statement was coordinated by the **European Coordination of Committees and Associations for Palestine**.*

The undersigned organisations jointly call for the suspension of the EU-Israel Association Agreement in light of violations of human rights by the State of Israel in the Occupied Palestinian Territory (OPT).

These human rights violations constitute a clear breach of Article 2, which makes the Agreement conditional upon the parties' "respect for human rights and democratic principles", which constitute "an essential element" of the Agreement.

We unequivocally condemn all violations of international law, including the killing of civilians, and call on the relevant authorities to investigate them without delay.

What is happening in Gaza is a "**crisis of humanity**", as stated by UN General Secretary Antonio Guterres. Israel's current war on Gaza has resulted in massive civilian casualties , extensive **destruction of civilian infrastructure** and repeated forced **displacement of the population**. **Most hospitals** have been bombed and destroyed by Israel, and **medical staff killed**. The population of Gaza is facing immense suffering, famine and contagious disease, due to the continuous attacks and the blockade by Israel of food, water, fuel, medicines, humanitarian aid. Children among other vulnerable groups of the population have been particularly and devastatingly affected.

On January 26th 2024, the International Court of Justice (ICJ) ruled that the current conduct of Israel in Gaza constituted **a risk of genocide** and ordered Israel to take measures to prevent it. On March 28th, **the ICJ ordered again** Israel to implement these provisional measures. On May 24th, **the ICJ ordered** Israel to immediately halt its military offensive in Rafah and open the Rafah crossing for unhindered provision of services and aid. All these orders, which are mandatory, have been ignored by Israel.

Human rights abuses by the Israeli government did not begin in 2023, however, and are not limited to the Gaza Strip. **Systematic and widespread human rights violations** such as confiscation of land and resources and racial discrimination have been well documented during Israel's 57 years of occupation of Palestinian Territory, and 17 years of blockade of Gaza. The European Council also repeatedly expressed **its concerns** over the expansion of settlements, blockade of the Gaza strip and use of **disproportionate force**.

Evidence of **torture and inhuman treatment** of Palestinian detainees, including sexual abuse, are well documented. The situation for prisoners **has only worsened** since October 2023, not least for those detained from Gaza by the Israeli military.

On July 19th 2024, the ICJ issued **an advisory opinion** on the 'Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem'. One of its main conclusions is that "the violations by Israel of the prohibition of the acquisition of territory by force and of the Palestinian people's right to self-determination […] and the sustained abuse by Israel of its position as an occupying Power, through annexation and an assertion of permanent control over the Occupied Palestinian Territory and continued frustration of the right of the Palestinian people to self-determination, violates fundamental principles of international law and renders Israel's presence in the Occupied Palestinian Territory unlawful. This illegality relates to the entirety of the Palestinian territory occupied by Israel in 1967". The Court further stressed that Israel is in breach of the UN Convention on the Elimination of All Forms of Racial Discrimination's prohibition of racial segregation and apartheid. In article 279 the Court considers that "all States are under an obligation not to render aid or assistance in maintaining the situation created by Israel's illegal presence in the Occupied Palestinian Territory".

Such serious violations of international law and humanitarian law would never have been possible if the international community, including the European Union, had held Israel accountable for its actions and taken appropriate measures in response. It is time for this failed approach to

change.

Respect for human rights constitutes an “essential element” of EU Association Agreements with partner countries. The provisions of the EU-Israel Association Agreement states that the parties establish the association “considering the importance which the Parties attach…[ ] to the principles of the United Nations Charter, particularly the observance of human rights and democracy, which form the very basis of the Association.” Article 2 states that “relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement.”

The violation of the so-called “essential elements” clauses enables the EU to terminate or suspend fully or partially an Association Agreement, in accordance with Article 60 of the Vienna Convention on the Law of Treaties. Article 82 of the Association Agreement provides that “Each of the Parties may denounce the Agreement by notifying the other Party,” while Article 79, Paragraph 2, provides the applicable procedural rules for this process.

Third states have the responsibility to prevent genocide under international law and, therefore, must take all diplomatic, economic, and political measures within their power to prevent genocide in Gaza. EU Member States should use their leverage and employ all lawful means at their disposal to influence Israel to refrain from acts in breach of the Genocide Convention ,and to end the illegal occupation as concluded by the ICJ, including the review or suspension of trade negotiations and agreements.

Our campaign is directed to all relevant EU stakeholders in their respective domains of responsibility:

- The Council of the EU has the power to decide the suspension of the Association Agreement: the rule of unanimity cannot be an excuse when the EU’s fundamental values are at stake.
- The European Commission, as the ‘Guardian of the Treaty,’ has the responsibility for ensuring that treaties are respected and correctly implemented (per Article 17 TEU), including Article 2 of the Association Agreement. The Commission must examine and demand justifications for Israel’s non-compliance with the Agreement, and propose appropriate measures to the Council; in this case such measures will not require unanimity.
- The European Parliament should use its political weight to pressure the Council and the Commission to act on their responsibilities. It can do this by initiating parliamentary debates, moving resolutions, etc.

- EU Member States need to demand that the Commission speed-up its investigation into Israel's compliance with Article 2; they also are the decision-makers at the Council. Furthermore, they are committed, as signatories of the Genocide Convention, to prevent and punish the commission of genocide.

Through our campaign, together with the citizens of the European Union, we urge all stakeholders to urgently take action to bring about the suspension of the EU-Israel Association Agreement, and all the related agreements, until Israel complies with international law and international humanitarian law, and implements the ICJ rulings and advisory opinion.

The suspension of the Association Agreement should remain until the EU is confident that nothing in its relations with Israel contributes in any way - political, financial, military, technical, trade, anything - to the continuation of the occupation and of the denial of the rights of the Palestinian people.

What has been happening in Gaza, and in the whole of the Occupied Palestinian Territory, is the consequence of a political and moral failure of the international community.

Suspension of the Association Agreement due to Israel's violation of the Agreement's human rights clauses is no longer something to be debated, but an obligation for the EU to be consistent with its own principles and values. Failure to do so would mean accepting the current state of profound lawlessness enabled by decades-long impunity, and will set a dangerous global precedent.

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Further reading

22 March 2024

European money for the war in Gaza: how EU research funding supports the Israeli arms industry

Technologies developed with financial support from Europe are being used in the current war in Gaza, as they have been previously in occupation of Palestinian territory and marginalisation of the Palestinian people.

Drones | Military | Security research | EU | Israel | Palestine

22 April 2024

EU-Israel data agreement rings alarm bells

At the beginning of the year, the European Commission approved the continuation of 11 personal data adequacy agreements with non-EU states. The approval allowed the continuation of unrestricted data flows with entities in the EU. In an open letter to the Commission, Statewatch and 10 other organisations raise a number of concerns regarding the agreement with Israel, arguing that problems with the rule of law and practices of mass surveillance by security and intelligence agencies call the adequacy agreement into question.

Data protection | Privacy | Surveillance | Security and intelligence agencies | EU | Israel | Palestine

07 February 2024

Palestine: 300 academics call for halt to EU research funding that violates international law

Almost 300 academics from universities across Europe and beyond have called for the EU to stop funding research projects "that may, directly or indirectly, violate international law and human rights," in particular with regard to substantial research funding the EU provides to institutions in Israel.

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